

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BARBARA E. VARNER,	:	
<i>Plaintiff</i>	:	CIVIL ACTION
	:	NO. 1:CV 01-0725
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	JURY TRIAL DEMANDED
NINTH JUDICIAL DISTRICT, CUMBERLAND	:	
COUNTY; S. GARETH GRAHAM, individually;	:	JUDGE YVETTE KANE
and JOSEPH OSENKARSKI, individually,	:	

**MOTION FOR SUMMARY JUDGMENT FILED ON BEHALF OF
THE COMMONWEALTH OF PENNSYLVANIA, NINTH JUDICIAL DISTRICT**

NOW COMES DEFENDANT, The Commonwealth of Pennsylvania, Ninth Judicial District ("Court Defendant"), by and through its undersigned Counsel and moves this Honorable Court pursuant to F.R.C.P., Rule 56, to grant summary judgment in its favor, averring in support thereof, as follows:

1. Plaintiff cannot establish a *prima facie* case of sexual harassment under Title VII.
 - a. Plaintiff cannot meet her burden of showing that her workplace was permeated with discriminatory intimidation, ridicule, and insult, that was sufficiently severe or pervasive to alter the conditions of her employment and create an abusive working environment. Therefore, summary judgment must be granted.
 - b. Respondeat superior liability is negated by prompt remedial action; the Court Defendant is insulated from liability by the affirmative defense enunciated in the Supreme Court's decisions in Ellerth and Faragher.
2. Plaintiff cannot establish a *prima facie* case of retaliation because she cannot show that she was subjected to any adverse employment action as a result of her protected conduct, nor is there a causal link between Plaintiff's protected activity and the alleged retaliation.

WHEREFORE, Defendant, Commonwealth of Pennsylvania, Ninth Judicial District, Court of Common Pleas of Cumberland County, respectfully requests that this Court grant summary judgment in its favor.

Respectfully submitted,

S/A. Taylor Williams

A. TAYLOR WILLIAMS, ESQUIRE

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Cmwlth. of Pennsylvania, Ninth Judicial District,

Cumberland County Court Of Common Pleas